



SiteOne Landscape Supply, LLC v. Giordano et al. (23-cv-02084) - Meet and Confer Follow Up

From Michael Mule <MichaelMule@mlaborlaw.com>

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To Gibbs, J. Evan <Evan.Gibbs@troutman.com>

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Evan,

In follow up to our meet & confer September 4, 2024, on behalf of the defendants, here is a list of the SiteOne's principals, officers, directors, managers, employees and/or others in the control of SiteOne whose cell phones should be examined: 1) Doug Black, 2) Scott Salmon, 3) Lynn Fracassi, 4) Laura Shartle, 5) Brian Kersnowski, 6) Taylor Koch, 7) Briley Brisendine, 8) Shawn Kramer, 9) Kevin Peatie, 10) William Weismiller, 11) Dan Barr, 12) Brian Hoffman, 13) Anthony Catalano, 14) Alex Trauma, 15) Phil Sausto, 16) John Robinson, 17) Anthony Ferrante, 18) Melissa Varrone, 19) Jennifer Parry, 20) Paul Brand, 21) Greg Thistle, 22) John Guthrie, 23) Gerard Passaro, and 24) Joe Ketter.

The document requests identify the topics. Without waiving defendants' rights to responsive documents, including text messages, to all requests, below are specific topics identified in the Don Defendants' requests for which we seek text and other messages:

- #22 communications involving SiteOne employees concerning Don's non-compete/non-solicitation.
- #23 referencing "Don subsequent to October 19, 2022"
- #24 referencing "Don's employment with SiteOne"
- ##25 and 26 communications among SiteOne employees re: Giordano allegedly using an external drive to plug into Casper's computer, re: Giordano shortly before he was terminated
- #27 communications among SiteOne employees re: Don allegedly purchasing Middle Island Road property
- ##28-29 communications among SiteOne employees re: Don allegedly telling Kersnowski that he would open a nursery after his contract "expired" and "put it in his sister's name" and that employees would "follow him"
- #30 communications among SiteOne employees re: Giordano stating that he threw out computer in dumpster
- #31 communications among SiteOne employees re: Giordano staying at SiteOne "after hours" in January and February 2023
- #32 communications among SiteOne employees re: Sausto being approached outside gym by former Garden Dept. employee that Giordano said "we" are opening a nursery at Middle Island Road property; re: Sausto seeing SiteOne employees working at Middle Island Road during work hours; re: Sausto hearing that Giordano was assisting other SiteOne employees to prepare Middle Island Road property; re: Sausto telling Passaro what he saw and Passaro driving by the Middle Island property, re: Passaro seeing Gomez and Juan Flores-Suarez and seeing Veridian Group (SiteOne customer) vehicle at location; re: two other customers, including Matt Boyd, telling Sausto that Don and Nick were starting a new nursery, and [Gabriel Zalsar] telling Sausto that the Suarez-Flores brothers and Rio-Garcia were "going to work for Don ... at his new nursery"
- ##34-35 communications among SiteOne employees or with John Hopkins (investigator)
- #38 documents concerning Don's earnout for 2020 and 2021, communications to/from Doug Black, Taylor Koch and concerning Bissett Catch Up Expenses

- #39 concerning the separation of Don's employment with SiteOne and decision to terminate Don
- ##41-50 docs subsequent to the decision to terminate Don concerning Don to/from Shartle, Ketter, Black, Kersnowski, Justice, Catalano, Thistle, Peattie, Kramer, Francassi
- #52 communications to/from Trauma concerning his discussions with Nick on February 15-16.
- #54 communications by any SiteOne employee with Ketter, Thistle or Catalano re: decision to terminate Nick
- #56 communications by any SiteOne employee with Passaro re: file documents removed, security cameras and Casper's missing computer
- ##104 and 106 communications between Siteone employees concerning Defendants or with Defendants from September 2022.
- #107 communication between Siteone employees and any other person concerning Defendants from September 2022.

SiteOne already has indicated that it is representing 16 out of the 24 of the persons identified above. If SiteOne does not intend to represent any of the persons identified above, please provide their last known address, so that we may subpoena the relevant communications contained on their devices.

Please advise as to your availability October 8 and 9 for the depositions of Alex Trauma and Anthony Catalano, respectively.

We thank you for your attention to this matter.

Very truly yours,

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